

MRS. ELIZABETH M. CHURCHILL, WIDOW OF CAPTAIN  
WM. H. CHURCHILL, UNITED STATES ARMY.

[To accompany bill R. H. No. 720.]

JANUARY 16, 1857.

Mr. BAYARD CLARKE, from the Committee on Military Affairs, made the following

REPORT.

*The Committee on Military Affairs, to whom was referred the memorial of Elizabeth H. Churchill, widow of Captain Wm. H. Churchill, United States army, deceased, respectfully report :*

The husband of the memorialist was, during the Mexican war, an assistant quartermaster of the United States army, discharging the duties of commissary at Brazos Santiago. Being charged with the selling of a large quantity of subsistence stores, which, in accordance with regulations, had to be done by public auction, he had to select an auctioneer, which he accordingly did, and made T. W. Sweet, his clerk, the auctioneer for the sales. There were two sales—one in March, and the other in June, 1847. For his services as auctioneer, he allowed the said Sweet the usual commissions, which amounted to \$326 27. He died before an examination of his accounts; and when they were examined, the amount which he had paid his clerk for auctioneer's fees was disallowed by the accounting officers of the treasury, on the ground that Sweet could not be allowed pay as clerk and auctioneer for the same period. The committee think that this objection is untenable, inasmuch as Sweet was not a regular officer of the government, with a salary fixed by law. Indeed, it does not appear that he had any regular salary. It was regulated by the discretion of the officer employing him, according to the increase or decrease of the labor or hardships of the position. It was, therefore, in the opinion of the committee, competent for Captain Churchill to employ him in any extra service, and pay him therefor. But, independent of this, it is admitted that if the amount of fees had been paid to any other person acting as auctioneer, the item in the account of Captain Churchill for the amount so paid would not have been disallowed. In view of this fact, the committee do not deem it just to withhold this amount, which was paid by her husband, from the

widow of the deceased, especially when it is recollected that the interests of the government could be better subserved by the employment of a man as auctioneer who was in the confidence of the commissary than it could have been by one selected outside, at a time like that, when speculation on the property of the government was so rife.

The committee accordingly report a bill.